

NATURAL RESOURCES COMMISSION

Meeting Minutes

June 4, 2008

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 141 Keyes Road, Concord, MA at 7:05 p.m. on Wednesday, June 4, 2008. The following Commissioners were present: Montgomery Lovejoy, acting Chair, Jamie Bemis, Steve Verrill, and George Lewis. Delia Kaye, Natural Resources Administrator, and Cynthia L. Gray, Natural Resources Administrative Assistant, were also present.

CONTINUANCES

NASHOBA BROOKS SCHOOL / ANRAD – 200, 266, 280 Strawberry Hill Road & 3B Macone Farm Lane, DEP File #137-966 – Confirmation of certain wetland resource area boundaries on the property.

Rich Harrington of Stamski & McNary, Inc. appeared with Karl Kussin, Director of Development of Nashoba Brooks School. Delia Kaye informed the Commission that revised plans had been received and recommended that the Commission close the hearing and issue an Order of Resource Area Delineation. George Lewis moved to close the hearing. Jamie Bemis seconded. All so voted. George Lewis moved to issue the Order of Resource Area Delineation with Findings. Steve Verrill seconded. All so voted.

STEPHENS – 48 Ayrshire Lane / NOI – Mitigation for extending a retaining wall into the 25-foot No Disturb Zone and after-the-fact landscaping improvements within the 100-foot Buffer Zone to Bordering Vegetated Wetland, DEP File #137-969.

No work plan has been submitted. This hearing was continued to June 18, 2008 at the request of the Applicant's representative.

NEW APPLICATIONS

CONCORD SCOUT HOUSE, INC. – Boy Scout Island, Warner's Pond / RDA 08-06 - Installing water bars to restore an eroding slope and re-routing an existing trail on Boy Scout Island within the 100-foot Buffer Zone to Bordering Vegetated Wetland and Bank of Warner's Pond.

John Tovrov, Treasurer of Concord Scout House, Inc. appeared. Mr. Tovrov indicated that the Boy Scouts wish to clean up Scout Island and discourage illicit uses that cause erosion and is a potential fire hazard. A small section of the trail is proposed to be rerouted from the canoe landing. Water bars need to be placed at the proper pitch or they can cause further erosion. Mr. Tovrov requested that this matter be held until September so that further research could be conducted in order to determine the best way suitable to meet the Boy Scout's proposal.

THE FENN SCHOOL / ANRAD – 516 Monument Street – Confirmation of wetland resource area boundaries on the property, **DEP File #137-973**

David Burke, Wetland Resource Specialist appeared on behalf of the applicant. Mr. Burke presented the original abutters list at this evening's hearing. Staff has reviewed the wetland delineation and commended Mr. Burke on a good delineation throughout the wooded and open portions of the site. The Mean Annual High Water elevation determination still needs to be confirmed. The Applicant can consider the elevation of the upstream MAHW at Flint's Bridge, and tie this elevation to the project area.

This hearing was continued to June 18, 2008, at which time the Commission expect to close and issue an Order of Resource Area Delineation, pending receipt of information by next Wednesday.

PALEOLOGOS / ANRAD – 800 Main Street – Confirmation of wetland resource area boundaries on the property, **DEP File #137-971**. This hearing was continued to June 18, 2008.

DEPARTMENT OF CONSERVATION AND RECREATION / NOI – Walden Pond – Rehabilitating the east bank of Walden Pond, site improvements, pruning and plantings within Land Under Water Bodies and Waterways and within the 100-foot Buffer Zone to Bank of Walden Pond, **DEP File #137-972**. This hearing was continued to June 18, 2008.

REQUEST FOR EXTENSION

NORMANDY CONCORD ACQUISITION, LLC – Baker Ave. Extension, **DEP File #137-691**.

Gerry Preble of Beals & Thomas appeared with Andrew Spaulding of Normandy Real Estate Partners and Attorney Cheray Shein of Lerner & Holmes PC. Reviewing the site with DNR staff, Stacy Minihane, Environmental/Wetlands Consultant of Beals and Thomas, Inc., slightly adjusted the wetland line. Natural Resources staff does not recommend further surveying of the wetland line, as the limits of work have not changed and the revised sketch depicts the proposed wetland line accurately enough to protect the interests of the Act.

The Commission discussed the Order of Conditions. On behalf of the applicant, Attorney Cheray Shein requested that Finding A of the 2nd Extension Permit for Orders of Conditions be stricken from the granted 2nd Extension Permit for the Orders of Conditions. The Commission stated that the Finding would remain, but requested that the minutes reflect Attorney Shein's disagreement with Finding A.

Steve Verrill moved to issue the 3-year Extension to the Order of Conditions with Findings A and B. George Lewis seconded. All so voted. Steve Verrill moved to approve Special Condition #1 All other Findings and Special Conditions referenced in the original Order of Conditions dated May 23, 2005 shall remain in full force and effect. Jamie Bemis seconded. All so voted.

NASHAWTUC COUNTRY CLUB, DEP File #137-741

Tracy West, Director/President & CEO of the Bank of America Championship/Hayson Sports Group appeared on behalf of the applicant. Ms. West indicated that this has been a 5-year delineation of the premises. Natural Resources staff reviewed the delineation on May 22, 2008 and May 29, 2008 and recommends verification of the following flag locations:

- BVW flag numbers A-1 through A-25 (as revised);
- BVW flag numbers B-1 through B-50 (as revised);
- BVW flag numbers CA-1, CA-2 through C-34;
- BVW flag numbers D-11 through D-19;
- BVW flag numbers E-1 through E-13;
- BVW flag numbers G-28 through G-36

Tracy West indicated that she was comfortable with this approval, because areas not included in the approval are not used for parking by the Tournament. She also stated that the Nashawtuc Country Club may not be the title sponsor after this year's event. The Commission determined that further approval of the revised wetland line was conditional upon reestablishing and resurveying the wetland line, and providing a revised wetland delineation plan.

George Lewis moved to issue a 1-year Extension to the Order of Conditions with Special Conditions 1 through 3. Jamie Bemis seconded. George Lewis, Jamie Bemis and Montgomery Lovejoy so voted. Steve Verrill abstained.

CLOSE HEARINGS/ISSUE PERMITS

CNC BUILDERS, INC. (Farnsworth) (Amended Order) – 35 Macone Farm Lane, **DEP File #137-821**. Jamie Bemis moved to close the hearing. George Lewis seconded. All so voted. George Lewis moved to approve Finding 1. Jamie Bemis seconded. All so voted. Steve Verrill moved to reissue the second Amended Order of Conditions with Special Conditions 19 through 41. George Lewis seconded. All so voted.

COTT (Order) – 599 Monument Street, **DEP File #137-967**. Jamie Bemis moved to close the hearing. George Lewis seconded. All so voted. Steve Verrill moved to issue a standard Order of Conditions with Special Conditions 19 through 45. George Lewis seconded. All so voted.

FRIEDEL (Amended Order) – 124 Farmer's Cliff Road, **DEP File #137-900**. Jamie Bemis moved to close the hearing. George Lewis seconded. All so voted. Steve Verrill moved to approve the Findings and Special Conditions 19 through 43 and issue an Amended Order of Conditions. George Lewis seconded. All so voted.

CERTIFICATES OF COMPLIANCE

TRITSCH – 233 Heath's Bridge Road, **DEP File 3137-955**. Steve Verrill moved to issue a Certificate of Compliance. George Lewis seconded. All so voted.

PAULSEN – 155 Cambridge Turnpike, **DEP File #137-903**. Steve Verrill moved to issue a Certificate of Compliance. Jamie Bemis seconded. All so voted.

OTHER BUSINESS

Finigan Way Conservation Restriction – 14 Strawberry Hill Road. Attorney Tom Falwell addressed the Commission with Mark White of Bentley Building Corp. appearing a short time later. Open Space Parcels A & B will be deeded to the Town. The Commission discussed the merger of interest once the Board of Selectmen accepts the land. The Commission discussed their recommendation to the Board of Selectmen that Open Space Parcels A & B be held solely for conservation purposes to meet the intent of the Conservation Restriction and the Town Meeting vote to preserve the ridge. This matter will be on the July 16, 2008 agenda for a vote of the Commission.

Marabello/Boston Bark Update. For the past several years, the Department of Food & Agriculture has maintained that the activities at Marabello Farms are an agricultural exemption (Chapter 40A Section 3). This is being revisited by the DAR. Based on a site visit to an abutting property by DNR staff and a Commissioner, it appears that onsite wetlands are being filled in with mulch piles. Natural Resources staff recommends that the Commission require the mulch piles be removed within jurisdictional areas, establish the historic wetland line, and remove all activities from jurisdictional areas.

Commission Comments. “Commission Comments” will be added to the beginning or end of future agendas. This will give the Commission members a chance to address other matters of interest.

Brietmaier – 50 Garfield Road Request for Superseding Order of Conditions. A Superseding Order of Conditions was issued by DEP allowing the retaining wall and fill to be relocated to the 25-foot NDZ.

Agricultural Preservation . The Commission discussed several parcels of agricultural land and their prioritization for protection. The Commission intends to request a meeting with the Land Trust in the fall to identify prioritization procedures.

This meeting adjourned at 9:25 p.m.

Respectfully submitted,

Delia R. J. Kaye, Natural Resources Administrator

Cynthia L. Gray, Natural Resources Administrative Assistant